

## SUBURBAN RESIDENTS STIRRED UP.

They Were Very Much in Evidence at the Special Meeting of County Commissioners.

### PLEASANT VALLEY PARK CASE

Argued by Attorneys, and Then President McGregor Rules the Matter Cannot be Considered.

Suburban residents, especially those of Pleasant Valley, were very much in evidence at the special meeting of the board of county commissioners yesterday afternoon, at which, at the request and at the expense of Messrs. Bader & Maurer, the Pleasant Valley Park case was reopened and legal arguments heard by the board from attorneys for the proprietors of the park and from counsel for the municipality of Pleasant Valley. The board, it will be remembered, declined to grant a county license, because the council of Pleasant Valley had declined to grant a town license. In this action the board relied upon the opinion of its legal advisor, Prosecuting Attorney Meyer. Messrs. Bader & Maurer then had the special meeting called, so that their attorney, Mr. Bernie Handlan, might adduce further legal arguments in their behalf.

The meeting was called to order at 2 o'clock. The petition of the applicants for license was read, also a petition to the board from suburban residents asking that license be not granted.

Mr. Bernie Handlan addressed the board in behalf of the applicants. The question was, he said, whether or not the board had the right to grant the license without license having been granted by the Pleasant Valley council. He cited section 46, article 6 of the constitution of the state of West Virginia, which is in effect that laws may be passed regulating the sale of intoxicating liquors. He also cited section 13 of chapter 32, which provides that a town may punish for the doing of an act without the town license having been granted even though a state license had been granted, the inference being that liquor could be sold without the town license; otherwise there would be no sense at all in the provision quoted. Mr. Handlan then quoted the decision of Judge Green in the case of Mountville vs. Fountain, 27 W. V., 203, in which the court says that either license (state or town) can be had without the other. Referring to the constitutional provision on which the board had previously acted adversely, the attorney held it was merely directory and not mandatory.

For the town of Pleasant Valley, Messrs. Erskine and Allison spoke, and laid great stress on the constitutional prohibition against the granting of state license within the limits of an incorporated town, village or city, in cases where the municipality refuses license. This provision in the constitution is in the following language:

Provided, That no license for the sale of intoxicating liquors in any incorporated city, town or village shall be granted without the consent of the municipal authorities thereof first had and obtained.

The argument of Mr. Wm. Erskine, for the town of Pleasant Valley, was in effect as follows:

"My argument on this question shall be brief. In order that it may be thoroughly condensed, and because I was not sure that other engagements would permit me to be personally present this afternoon, I have it all written out."

"The people of this state, through the constitution of the state, have made and declared the law of the state on this question of granting a license without the consent of the local authorities in no uncertain terms."

"Article eight of the constitution establishes the county courts and provides for your board having control of the police and fiscal affairs of this county the same as if you were named the county court. After enumerating your powers in regard to police and fiscal affairs in broad terms, it adds: (In Sec. 24 of Art. 8.)

"Provided, That no license for the sale of intoxicating liquors in any incorporated city, town or village, shall be granted without the consent of the municipal authorities thereof, first had and obtained."

"The people of the state have thus written in their constitution one right which they intended the people of every local community should have—the right of protection against the evils of close contact with a saloon. That provision of the constitution is the supreme law of the state on the subject. The legislature could never annul it, and has never attempted to do so; but on the contrary has, as you can plainly see, passed a law to carry it out."

"The people of the state have, in clause three of the first article of the constitution, made a general statement as to the duty of adhering to the fundamental provisions of that supreme law as follows:

"The provisions of the constitutions of the United States, and of this state, are operative alike in a period of war as in time of peace, and any departure therefrom, or violation thereof, under the plea of necessity, or any other plea,

is subversive of good government, and tends to anarchy and despotism."

"There is no plea of any kind that will justify a departure from the plain provisions of the constitution, established for the protection of the rights of the people."

"The constitution of West Virginia contains one provision which every member of this board has complied with. That provision is in article four, section five, and reads as follows:

"Every person elected or appointed to any office, before proceeding to exercise the authority, or discharge the duties thereof, shall make oath or affirmation that he will support the constitution of the United States and the constitution of this state, and that he will faithfully discharge the duties of his said office to the best of his skill and judgment."

"This oath, prescribed by the constitution, is very brief, but it is not short enough to overlook the rights of the people of Pleasant Valley."

"No court of this state has ever held, or even hinted, that the provision in section 34 of Article 4 is not binding. There is not the slightest ground for such a contention."

"It may be claimed to you that the statutory machinery of the state has been so constructed that there is no provision for an appeal from your decision on this application for a liquor license in Pleasant Valley, and that therefore you may be able to effectively help the petitioners to disregard the rights of the people of Pleasant Valley, even if those rights are plainly guaranteed by the constitution. Suppose it should be true that there is no appeal, and that your action on this question may be final, does that absolve you from your duty to support the constitution? Should it?"

"The arguments were not concluded until 5 p. m., when President McGregor, upon advice from the board's legal advisor, the prosecuting attorney that the matter was not within the province of the board, and that no further action would be taken."

Mr. Handlan, at this point, arose and suggested that some member of the board take an appeal from the decision of the chair. Of course this created no little excitement, but the chair quickly ended the contest by declaring the meeting adjourned. Mr. Handlan felt chagrined owing to the fact that his clients had agreed to pay the expense attending the holding of the meeting, and they expected to have the matter brought to a vote of reconsideration on former action.

The chair, however, is generally thought to have acted properly; the question is one of legality, and the board's authorized legal advisor held that the matter was not properly in the hands of the board. Mr. McGregor was congratulated upon his decision by the suburbanites present, and by many other citizens.

### AN OFFICER OF THE WHEELING To Be Given a Sword by His Friends in Illinois.

Fellow townsmen of Lieut. Louis Kaiser, of the gunboat Wheeling, who served in the battle of Manila Bay, on the Concord, intend presenting him with a sword, and have written the city officials here as to the method of raising the money, etc. Copies of the Intelligence, through which the Doddridge sword fund was raised, have been forwarded. The following from a Monmouth (Ill.) paper gives the details of the movement:

A movement has been started to allow the people of the county an opportunity to give testimony of their regard for Lieut. Louis Kaiser, of the United States navy, their representative in Dewey's great victory of Manila bay. It is intended to give the young officer a reception and to present him with a handsome sword as a testimonial. The paper was put in circulation here this morning and already a considerable sum is subscribed. It is expected to continue the canvass and to give the lieutenant a greeting which will be a cordial welcome home.

The paper is being circulated as a popular movement, and by no organization or society.

It is the intention to make it a county affair and one of which all the participants may be proud. The paper reads as follows:

As Lieutenant Louis Kaiser, of the United States navy, is about to return home to Warren county, it is proper that his native place should show its appreciation of his high character and his brilliant service to his country on that memorable May day in 1898, when under Dewey, he participated in the greatest naval victory of the century. As citizens of Warren county we are proud that one of her boys was a heroic participant in that great event and as a token of our appreciation we subscribe the amounts opposite our respective names for the purpose of purchasing a sword to be presented to Lieut. Kaiser and to defray the expenses of a proper reception in his honor on his return home.

At the time of Dewey's victory Kaiser was an ensign and serving on the Concord. He was in the thickest of the fight, and like the other officers and seamen, acquitted himself nobly. He was soon promoted to the rank of lieutenant and has been on duty in the Asiatic squadron ever since. He was for a time on the Wheeling, and for a number of months last summer and fall was in

command of the Nanshan stationed at Guam.

It is three years since the young man has had a rest from active service and that long since he has visited his mother, Mrs. A. Kaiser, and sister, Miss Sophia, in this city. He was given the leave of absence to which he is entitled a few weeks ago, and sailed for San Francisco on the Solace last month. The ship touched at Japan and has been taking a roundabout way home. It is expected to be reported in San Francisco almost any day now and Lieut. Kaiser will come directly to Monmouth.

### FUNERAL OF S. T. WILLIAMS, Late Superintendent of Aetna-Standard, Occurred Yesterday.

The funeral services of Superintendent S. T. Williams, of the Aetna-Standard mills, were held at his late residence at Mingo Junction, yesterday morning, and the attendance was very large, the steel plant and mills being closed, out of respect for the deceased, and when the remains were conveyed from the residence to the train the men marched in a body, accompanying. Services were conducted by Rev. G. W. Hinkle, assisted by Rev. J. A. Platt. Floral emblems of exquisite beauty and elaborateness were numerous. The pallbearers were: Charles Enlow, Charles Stairs, John W. Kinney, R. T. Turner, Thomas J. Howell, and Walter Kurtz. Flower bearers, Charles McLane, Walter Winesburg, Oliver Blaney, W. C. Moulton and George Probert.

The remains were taken to Portsmouth for interment. Besides the family, E. G. Evans, J. S. Oursler and Ralph T. Turner accompanied the remains.

The following National Steel Company officials were in attendance from the Bridgeport office: President John A. Topping, J. J. Holloway, Isaac Scott, Zera C. Sharp, Harry Cook and James T. Sarraat.

### Charles Seitter Dead.

Charles Seitter, the butcher, of Zane street, Island, retired at 10 o'clock last night, apparently in good health. Shortly after midnight his groans awakened his wife. A physician, Dr. Megrall, was summoned, but before his arrival Mr. Seitter expired. Heart disease was the cause. The deceased, who was in his thirty-second year, was well known on the Island. He was a member of the English Lutheran church. He is survived by his wife, whose many friends will tender condolence.

### Butchers Elect Officers.

The Wheeling Butchers' Association elected the following officers to serve one year from date: President—Christian Kalbitzer. Vice President—George Weimer. Treasurer—R. Gartner. Secretary—William Niebur, Jr. Finance Committee—John Dunkle and Anton Korn. Board of Directors—William P. Meyer, George Zoelcker, Anton Korn, J. C. Medick, Charles Rohrig, John Dunkle and George Weimer.

### AMUSEMENTS.

At the Opera House, Friday night, March 16, one of the cleanest and brightest of comedies "Because She Loved Him So," will be presented for the first time in this city. It is an adaptation of a French farce by the clever writer, William Gillette. Referring to the story, it appears that Gertrude West, having been filled with unreasonable suspicions of her husband goes him into a violent quarrel, which ends in a promise of divorce. Her old parents, who have lived an ideal existence, learn of the disturbance and enter into a plan to reconcile husband and wife by appearing to be at swords' points themselves. It is in carrying out this deception as a sort of object lesson that John Weatherby and his wife, provide the chief entertainment of the play. Introduced at dinner, dining together in almost idyllic manner, these lovable old people capture the audience instantly, and their almost pathetic effort to keep up the pretense of a quarrel for the sake of their daughter becomes, in due time, absolutely convulsing.

### "A Black Sheep."

All the hilarity and jovial ceremonies which attend the first presentation here of anything new from the pen of the clever and most popular playwright, Mr. Charles Hoyt, will come into evidence next Saturday, matinee and evening, at the Opera House, when "A Black Sheep," his most successful and funniest work, will be acted. It is reported that Mr. Hoyt has introduced into "A Black Sheep," which is a rollicking comedy constructed for the purpose of creating laughter, a new assortment of caricatures of familiar types of character, and thrust satirically at follies which attach themselves to latter day humanity. The cast presenting this comedy success numbers about thirty people, and is claimed to be the best and strongest organization that has been seen in a Hoyt comedy. It is headed by William Devere, who will be seen in the part of the Arizona editor, a part especially written for him by Mr. Hoyt. He will be ably assisted by George Allen, Alice Holbrook, Gilbert Girard, Bertha Boardman, the Beeson's, Tom and Lulu; Devere and Kendrick, Edmund Elton, Charles Lan-

die, Adelaide Nye, Barry Maxwell, Beulah Temple, Larry Gerr, Harry Vance, Dan Malley and others.

### The Cameron Clemens Company.

Two very appreciative audiences were entertained by the Cameron Clemens Company at the Grand yesterday. Last night Lord Lytton's "Lady of Lyons" was presented, with Mr. Clemens as "Melnotte." It was an excellent production of this classic play. This afternoon's bill will be the excruciatingly funny comedy, "My Friend From Japan," and to-night will be given the ever-popular, emotional drama, "East Lynn, or The Eloperment." The selections rendered by the Glee Lady Orchestra, particularly the solo specialties, are features of each performance.

### "At the White Horse Tavern."

The brilliant Frohman comedy, "At the White Horse Tavern" was presented before a large and brilliant audience at the Opera House last night, and on all sides it is pronounced the most pleasing attraction here this season. The company is large and most capable, without a single weak spot; the dialogue is bright and witty throughout; the scenery is up to the highest standard, and the costumes correctly typical of the Austrian Tyrol. The company includes thirty-three people, and it is difficult to single any for special praise. Charles H. Bradshaw, as the victimized parent; Richard Bennett, as the attorney who outwits the "old man" and marries his daughter; Mr. Fred Summerfield, as the tutor, and Frederic Bond, as the head waiter, all gave great comedy impersonations. Mr. Summerfield, for "The Charm of Travel," was given most hearty applause. Miss Anne Sutherland, as hostess of the "White Horse," and Mariam Nesbitt and Adelaide Kelm were charming. A return engagement would be a winner.

### FRICK-CARNEGIE

Secretary Moreland Joins in Answer of Carnegie—Next Move Will be the Suit for Annulment of the Coke Contract.

PITTSBURGH, Pa., March 14.—A. M. Moreland, secretary of the Carnegie Steel Company, limited, filed his separate answer to-day in the Frick suit. He simply states that he is the successor of F. T. F. Lovejoy, and that he has read Andrew Carnegie's answer and joins in the same.

The next development in the Frick-Carnegie litigation is expected to occur in common pleas court No. 2, in the equity suit brought by John Walker and others for an annulment of the coke contract between the H. C. Frick Coke Company and the Carnegie Steel Company, limited. If the bill was promptly served an answer to it would be due from all the defendants excepting Thomas Lynch and Mr. Frick tomorrow. It is announced, however, by Attorney W. L. Scott, of the defendant, that an extension of time for filing the answer may be asked in this case, as was done in the bill filed by Mr. Frick against Mr. Carnegie. It is said all the attorneys have been so busily engaged in the preparation of Mr. Carnegie's answer that no time remained to answer the coke suit.

### CURRY

Asks to be Relieved From Filing Answer in Frick Case.

PITTSBURGH, Pa., March 14.—Attorneys Chantler, McGill and Cunningham to-day filed the separate answer of H. M. Curry, one of the defendants in the equity suit of H. C. Frick against the Carnegie Steel Company, limited. The answer reads:

"H. M. Curry, one of the defendants in the complaint in this case, says:

"That the said H. M. Curry has been for a period of three months helplessly lit at his home, and by reason thereof he has not been able either to read or have read to him the bill filed in this case, and is wholly unable to properly prepare an answer thereto, and there is no prospect of his being able in the near future to properly prepare an answer to plaintiff's bill, and being but one of many defendants he does not desire to ask the court to extend the time in which to file such answer, and thereby delay the progress of the suit, and therefore he asks that he be relieved from the filing of a further answer, and he hereby submits himself to the jurisdiction of the court, and he agrees to be bound by the decree which the court may make herein, as fully as though he had filed a full and complete answer."

### CAPTAIN THORNTON,

Of Allegheny, Who Had a Fight With the Mayor, Reinstated.

PITTSBURGH, March 14.—Police Captain James Thornton, of Allegheny, who was suspended on account of his encounter yesterday afternoon with Mayor James G. Wyman, has been reinstated and will take up his duties at once. This action was taken this afternoon by Director Murphy, after a hearing of the case. The director completely exonerated Captain Thornton and ordered him to go home and get his uniform and report for duty at once.

Director Murphy said that he had invited Mayor Wyman to be present and to give his statement, but that the mayor had refused, sending a letter in reply. In his letter Mayor Wyman said that he did not think it proper for the mayor of the city who was in authority over the different departments, to be present at a hearing held by one of them. In his statement of his encounter with Captain Thornton, he said the attack on him was without provocation.

McFADDEN'S.

Spring Style Hats Are Ready.

SPRING STYLE SOFT HATS, black, brown or pearl color, the best \$2.00 hats, for..... \$1.50

SPRING STYLE STIFF HATS, the black or brown, up-to-date, finest \$2.00 hat, for..... \$1.50

SPRING DUNLAP STYLE HATS, the correct style and the finest and best \$2.00 hat, for..... \$2.50

McFADDEN'S, 1316 to 1322 Market Street.

## FOLDING BEDS.

Have just received two car loads of Folding Beds, which we will place on sale to-day at

## SPECIAL PRICES.

## FOSTER & WATKINS,

1065 MAIN STREET.

### MERCHANT TAILORS.

### The Study Of Fabrics,

style, cutting, making, and finishing, and individual tastes of our patrons, the ever present desire to please and to give the utmost value, put the question of satisfaction to our customers beyond the shadow of a doubt.

### High Class Tailoring

is not necessarily high priced, as we can readily demonstrate, and the satisfaction of knowing that you are correctly dressed is something we give you without cost.

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### THE NATIONAL EXCHANGE BANK OF WHEELING.

J. N. VANCE, President. L. E. SANDS, Cashier. JOHN FREW, Vice President. W. B. IRVINE, Asst. Cashier.

### The National Exchange Bank

CAPITAL \$500,000. Of Wheeling. SURPLUS \$85,000.

### DIRECTORS.

J. N. Vance, John Waterhouse, Dr. John L. Dickey, John Frew, William Ellingham, W. E. Stone, G. E. Stifel, J. M. Brown, W. H. Frank.

Business entrusted to our care will receive prompt and careful attention.

### THE RIVER.

### YESTERDAY'S DEPARTURES.

Charleston...KANAWHA, 6:30 a. m. Pittsburgh...BEN HUR, 3 p. m. Marietta...ELOISE, 11 a. m. Steubenville...JEWEL, 11 a. m. Steubenville...LEROY, 3:30 p. m. Steubenville...T. M. BAYNE, 2:30 p. m. BOATS LEAVING TO-DAY. Parkersburg...H. K. BEDFORD, 11 a. m. Cincinnati...QUEEN CITY, 8 a. m. Marietta...JEWEL, 11 a. m. Steubenville...LEROY, 3:30 p. m. Steubenville...T. M. BAYNE, 2:30 p. m. BOATS LEAVING TO-MORROW. Pittsburgh...VIRGINIA, 5 a. m. Parkersburg...BEN HUR, 11 a. m. Marietta...ELOISE, 11 a. m. Steubenville...JEWEL, 11 a. m. Steubenville...LEROY, 3:30 p. m. Steubenville...T. M. BAYNE, 2:30 p. m.

### Along the Landing.

The Ed Roberts passed up with empties at noon yesterday. The marks at 6 p. m. Wednesday showed 11 feet 1 inch and falling. Weather, cloudy and colder.

### Pittsburgh River News.

PITTSBURGH, Pa., March 14.—Major S. R. Crumbaugh, supervising inspector of steam vessels of the Pittsburgh and Cincinnati district, has reversed the decision of Captain George H. Atkinson and Isaac B. Williams, the local steamboat inspectors, and has reinstated Captain D. A. Woodward as a master and pilot.

Captain Woodward was commander of the Pacific, which sank above the Davis Island dam December 13, last, after a collision with the Charlie Clark. The steamboat inspectors held that Captain Woodward was responsible for the accident, and suspended his license for a period of ninety days. Captain Woodward appealed from the decision of the local steamboat inspectors, and yesterday appeared before Major Crumbaugh, at Cincinnati, with the result as stated. Captain Woodward's license again became operative to-day. This is the first case in many years in which the decision of the local steamboat inspectors has been reversed. Captain Woodward's license was inoperative for a period of three weeks.

There is only a large stage of water in the Ohio river, and a scant one at that. The Tom Rees No. 2 departed for Louisville with a tow of fourteen barges, yesterday afternoon. This morning the Stella Moren took five barges of coal to Bellaire, which the Rees will add to its tow and proceed south to-morrow. The boats coming up the river have orders to make haste in order to get their empties up before the water falls below a navigable stage for towboats. This, however, is not anticipated, as rain is looked for within a day or two.

### River Telegrams.

WARREN—River 2 feet 7 inches. Cloudy and cold. PITTSBURGH—River 8.3 feet and falling. Weather, clear and cool. STEUBENVILLE—River 10 feet 9 inches and falling. Weather, clear and cold. Tom Rees and Stella Moren down. MORGANTOWN—River 7 feet 10 inches and stationary. Weather, cloudy and cool. GREENSBORO—River 8 feet and falling. Weather, cloudy and threatening. ELLENVILLE—River 5 feet 11 inches and falling. PARKERSBURG—Ohio river 12 feet 8 inches and falling. Weather, cloudy;

**STEP! STEP!! STEP!!!**

First, kidney disease—then Bright's disease—then diabetes. This is what invariably happens when any kidney trouble is neglected. Grasp it in its first stages, or you will have a terrible result. And be very careful what drugs you put into your system. The famous KID-NE-OIDS may be taken with perfect safety. They will not upset man or woman, invalid or child.

**KID-NE-OIDS**

is a purely scientific remedy, put up in the latest and most convenient form—not pills or liquids, but simple, dainty, yellow tablets, easy to take—easy to carry. KID-NE-OIDS is the surest and best medicine for backache, sleeplessness, frequent desire to urinate, discolored urine, or any kidney disease whatsoever. 50c. at all druggists. Enough for about 2 weeks treatment.

MORROW'S Liver & Kidney Cure, Biliousness, Headaches and Constipation—25c.

**TRY THIS.**

Healthy urine is clear, and does not stain. Put some in a glass and let it stand 24 hours. If there is a sediment at the bottom, get Kid-Ne-Oids at once. It means your kidneys are affected. Free booklet for the asking.

**DIA BETES**

MORROW'S Kid-Ne-Oids CURE BACK-ACHE

Mrs. C. W. Thurlow, of 2312 Market street, says: "I have been a sufferer from disordered kidneys all my life, and was never able to get anything that would cure me. I read about Morrow's Kid-Ne-Oids and where they had cured just such cases as mine. I secured them and began using them according to the directions. It was remarkable how quickly they gave me relief from the distressing pains across my back and the other troubles as well."

For sale at all drug stores.

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Thos. B. Sweeney, Mgr. DEAR SIR:—Please mail me illustration of your new policy suitable to my age.

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Address.....

Date of birth.....